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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

JUSTIN T. MAHER,

Plaintiff,

-against-

14-CV3586
(VLB)

CAITLIN H. RAILO and QUALITY
BUS SERVICE, LLC,

Defendants.

- - - - -x

Monday,
April 13, 2015
9:00 a.m.

CONTINUED EXAMINATION BEFORE TRIAL
of the Defendant, CAITLIN H. RAILO, held pursuant
to Court Order, held at the Taconic Correctional
Facility, 250 Harris Road, Bedford Hills, New
York, before a Notary Public within and for the
State of New York.



LIMITED

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oOo

S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties hereto, that this examination may be signed and sworn to before any Notary Public of the State of New York.

IT IS FURTHER STIPULATED AND AGREED that the filing and certification of the said examination shall be waived.

IT IS FURTHER STIPULATED AND AGREED that all objections to questions, except as to form, shall be reserved for the trial of this action.

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C A I T L I N H. R A I L O, a

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Defendant herein, having been first duly

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sworn by Melissa Shelton, a Notary Public

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of the State of New York, was examined

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and testified further as follows:

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THE COURT REPORTER: Please state

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your name and where you are currently

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housed and your DIN number for the

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record.

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THE WITNESS: Caitlin H. Railo, at

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Taconic Correctional Facility, 14-G0401.

13

EXAMINATION BY

14

MR. CATALINOTTO:

15

Q. Good morning, Ms. Railo.

16

A. Good morning.

17

Q. My name is Mike Catalinotto and I

18

represent Quality Bus Company, and I'm going to

19

ask you some questions regarding your employment

20

with Quality Bus and the accident that you were

21

involved in.

22

If at any time you don't understand

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one of my questions, will you please tell me?

24

A. Absolutely.

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Q. And if you give a response to a

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CAITLIN H. RAILO

question, I'll assume that you understood it.
Okay?

A. Yes.

Q. And I know you went through a
deposition once before. Just keep in mind you
have to give verbal responses, you can't shake
your head or nod, so the court reporter can take
down what you said. Okay?

A. Yes.

Q. What is your full name?

A. Caitlin Helen Railo.

Q. And Caitlin is spelled how?

A. C-A-I-T-L-I-N.

Q. L-I-N.

Before February 14th, 2013, were
you known by any other names other than Caitlin
H. Railo?

A. Metcalf, Caitlin Metcalf.

Q. And at any time did you spell
Caitlin different?

A. With a Y.

Q. So, there is Caitlin with an I,
Caitlyn with a Y, and then Caitlin Metcalf?

A. Yes.

1 CAITLIN H. RAILO

2 Q. When you used Caitlyn with a Y, did
3 you use that for Metcalf, also, or just Railo?

4 A. I don't remember.

5 Q. Do you know during what time period
6 you were Caitlyn with a Y?

7 A. No.

8 Q. And do you know what time period
9 you were known as Caitlin Metcalf?

10 A. Through my middle school and high
11 school.

12 Q. Up until about what age?

13 A. Sixteen.

14 Q. And I think you told us last time
15 that was when you got your driver's license, you
16 changed to Caitlin Railo?

17 A. I didn't change it. That was my
18 original name. I didn't know.

19 Q. All right. But you started going
20 by that name?

21 A. Yes.

22 Q. And when you got your driver's
23 license for the first time, it was Caitlin H.
24 Railo?

25 A. Yes.

1 CAITLIN H. RAILO

2 Q. Other than Caitlin with an I,
3 Caitlyn with a Y and Caitlin Metcalf, were you
4 known by any other names?

5 A. No.

6 Q. When you applied for employment at
7 Quality Bus, what name did you go by?

8 A. Caitlin Railo.

9 Q. And did you spell it with a Y or an
10 I?

11 A. I don't remember.

12 (Whereupon, a photocopy of Caitlin
13 H. Railo's CDL Driver's License was
14 marked as Railo Exhibit L for Identifica-
15 tion as of this date.)

16 Q. Ms. Railo, I'm showing you what's
17 been marked Exhibit L with today's date. Do you
18 recognize that as your commercial driver's
19 license?

20 (Document submitted.)

21 A. Yes.

22 Q. And the spelling of your first name
23 is Caitlin with an I for that commercial
24 license?

25 A. Yes.

1 CAITLIN H. RAILO

2 Q. And again it's Railo, R-A-I-L-O?

3 A. Yes.

4 Q. And it looks like this was issued
5 on October 24th, 2012?

6 A. Yes.

7 Q. And is that about the time you
8 applied for employment with Quality Bus?

9 A. Around that time. It was prior to
10 that, because then I got my license after I got
11 the job.

12 Q. Actually, yes, you applied and then
13 you were actually hired and able to drive a bus
14 around that date, October 2000 --

15 A. I couldn't drive a bus until I got
16 that, yes.

17 Q. I'm going to show you some exhibits
18 from the last deposition. This was Exhibit E
19 that we used last time.

20 Do you recognize that as your
21 application for employment with Quality Bus
22 Company?

23 (Document submitted.)

24 A. Yes.

25 Q. And what is the date when you

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CAITLIN H. RAILO

applied?

A. July 31st.

Q. 2012?

A. Yes.

Q. If you could just hand that back to
me.

(Document submitted.)

Q. Did you fill out that application?

A. Yes.

Q. And on Page 3, is that your
signature at the bottom?

A. Yes.

Q. And it's Caitlin Railo?

A. Yes.

Q. And it's July 31st, 2012?

A. Yes.

Q. Now, at the top of that page, they
asked you to fill in any accidents that you were
involved in for the past three years; is that
correct?

A. Yes.

Q. And what did you fill in for that?

A. The rear-end accident that happened
with my prior job.

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CAITLIN H. RAILO

Q. And was that the rear-end accident that you told us about where the lady didn't have a steering wheel?

A. Yes.

Q. And there were no injuries in that accident?

A. No.

Q. Is that correct?

A. Yes.

Q. And that vehicle that you struck, as far as you know, was that vehicle already significantly damaged before you hit it?

A. It had a window busted out, back window, side window, the steering wheel.

Q. And do you know if that vehicle sustained any damage as a result of the accident when you hit it?

A. No, it didn't.

Q. It didn't?

A. On the bumper. It had a scratch on the bumper.

Q. Are you aware of any accident report --

A. No.

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CAITLIN H. RAILO

Q. -- stemming from that accident?

A. No.

Q. And then below that, it says,
"Traffic convictions and forfeitures for the
past three years." Did you fill out those boxes
there?

A. Yes.

Q. And what did you indicate for
those?

A. Speeding ticket and parking on
pavement.

Q. And the speeding ticket was from?

A. Pennsylvania.

Q. And the parking on pavement was in
New York State?

A. Yes.

Q. All right. Did you list any other
convictions when you applied for Quality Bus in
that application other than what's set forth
there?

A. No.

Q. When you signed this document, were
you aware that they were going to do a criminal
history check both with the federal and state

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CAITLIN H. RAILO

agencies?

A. I would hope so, yes.

Q. Now, before February 14, 2013, what criminal convictions did you have?

A. I don't remember them. No felonies. I had petit larceny, possession of a controlled substance, possession in the seventh. I don't remember which one possession in the seventh, driving without a license.

Q. Was that driving with a suspended license?

A. Yes. It was years ago.

Q. How many years prior was that?

A. I don't remember.

Q. More than three?

A. Yes.

Q. And the criminal possession of a controlled substance seventh, do you know what year that conviction was?

A. No.

Q. Was it within five years of when you applied for employment at Quality Bus?

A. Probably right around five years. I don't remember.

1 CAITLIN H. RAILO

2 Q. Did you go on probation for that
3 charge?

4 A. I was never on probation.

5 Q. Your whole life?

6 A. No.

7 Q. Never on probation?

8 A. No.

9 Q. Do you know when the petit larceny
10 conviction was?

11 A. No, I don't remember the years.

12 Q. But you think the criminal
13 possession of a controlled substance was about
14 five years prior to getting employment with
15 Quality Bus?

16 A. Yes.

17 Q. Any other criminal convictions that
18 you had before being employed by Quality Bus
19 Company besides what you've mentioned?

20 A. Like I said, I don't remember what
21 they are because they were a long time ago.

22 Q. Could there have been others or you
23 don't recall?

24 A. Yeah, there probably is others. I
25 don't remember what they are. I mean, this has

1 CAITLIN H. RAILO

2 been since I was thirteen years old. I don't
3 remember what they are.

4 Q. Were you ever convicted of driving
5 while intoxicated or driving while impaired?

6 A. DWAI, Driving While Ability
7 Impaired, yes, once.

8 Q. Is that DWAI alcohol or drugs?

9 A. No, never alcohol. It was drugs.

10 Q. Do you know if you pled to a
11 misdemeanor or a violation?

12 A. To be honest, I don't remember.
13 It's the only DWAI was before -- I think it was
14 before my daughter was born.

15 Q. All right. How long ago would that
16 have been?

17 A. More than seven years, seven years
18 ago.

19 Q. Before you drove your first bus
20 route by yourself, did you have training?

21 A. Yes.

22 Q. And that was through Quality Bus
23 Company?

24 A. Yes.

25 Q. Do you remember when you first

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CAITLIN H. RAILO

drove a bus route by yourself, what month that would have been?

A. It was the exact day I got my license.

Q. So, October 24th, 2012?

A. Yes. They told me I had my license, I went to DMV that day, picked it up and I got a bus route.

Q. As part of your training, did you have to have a School Bus Driver's Physical Performance Test?

A. Yes.

Q. And do you remember how often you had the School Bus Driver Physical Performance Test?

A. I only had one.

Q. Do you remember having it on February 13th, 2013?

A. I don't remember what day it was.

MR. CATALINOTTO: Can you mark that?

(Whereupon, a "School Bus Driver Physical Performance Test" was marked as Railo's Exhibit M for Identification as

1 CAITLIN H. RAILO

2 of this date.)

3 Q. Ms. Railo, I'm showing you what's
4 been marked as Railo's Exhibit M.

5 (Document submitted.)

6 Q. Do you recognize this -- do you
7 recognize that document?

8 A. No.

9 Q. Do you remember doing that test?

10 A. Yes.

11 Q. And, in fact, that test was given
12 the day before the accident?

13 A. Okay.

14 Q. Do you remember what you had to do
15 during that test?

16 A. Yeah. I remember having to run up
17 and down the stairs, pull a weight from the
18 front to the back of the bus, and then do --
19 yeah, brake to gas, brake to gas. It was just
20 controls and running and pulling the weight.

21 Q. Do you also have a recollection of
22 another test, the Defensive Driving Performance
23 Test?

24 A. What do you mean?

25 MR. CATALINOTTO: Can you mark

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CAITLIN H. RAILO

that?

(Whereupon, a "Report of Annual
Defensive Driving Performance for Driver
Under Article 19-A" was marked as Railo's
Exhibit N for Identification as of this
date.)

Q. I'm showing you what's been marked
Defendant's Exhibit N. It's entitled, "Report
of Annual Defensive Driving Performance for
Driver Under Article 19-A." Do you recognize
that document?

(Document submitted.)

A. No.

Q. But do you recognize or do you
remember doing that test?

MR. LaROSE: Take your time and
look it over.

A. No.

Q. You don't have a recollection of
performing that?

MR. LaROSE: That's fine.

Q. Is your name on the top of that?

A. Yes.

Q. Okay. And what is the date on

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CAITLIN H. RAILO

that?

A. December 3rd.

Q. What year?

A. 2012.

Q. Do you remember a Biennial Behind
The Wheel Road Test that you took?

A. Like I said, I had one test of
everything. It was all in the same couple
months, so...

Q. You had a number of tests?

A. Um-hum.

MR. LaROSE: Yes? That's a yes?

THE WITNESS: Sorry. Yes.

Q. And do you remember who conducted
those tests?

A. Oh, the lady that works in the
office.

Q. Is it Mary?

A. I think so. I don't remember her
name.

MR. CATALINOTTO: Mark that.

(Whereupon, an "Article 9-A
Biennial Behind The Wheel Road Test" was
marked as Railo's Exhibit O for

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CAITLIN H. RAILO

Identification as of this date.)

A. I think that was when she rode with me.

Q. I just want to go back to Exhibit M.

MR. LaROSE: N?

MR. CATALINOTTO: M.

Q. You said Mary is probably the one that drove with you on that?

A. Yes.

Q. Okay. I'm showing you what's been marked Exhibit O with today's date.

(Document submitted.)

Q. Do you recognize your name on the top of that document?

A. Yes.

Q. And is that entitled at the top "Article 19-A Biennial Behind The Wheel Road Test"?

A. Yes.

Q. And do you recall taking that test?

A. Like I said, no, I don't remember exactly which ones. I had a couple tests all in the same couple months.

1 CAITLIN H. RAILO

2 Q. But do you remember having a test
3 when you were behind the wheel?

4 A. Yes, but I don't remember which one
5 was which.

6 Q. And do you remember if Mary, her
7 name is at the bottom left, if she --

8 A. Yes.

9 Q. -- attended that test and conducted
10 it with you?

11 A. I don't remember this exact test,
12 but I assume she was the one that did them.

13 Q. Do you remember taking the School
14 Bus Driver Pre Service Course that resulted in a
15 final exam?

16 A. I don't, no.

17 Q. And that test, if I told you it was
18 conducted on November 6th of 2012, do you have
19 any recollection --

20 A. Date doesn't help.

21 Q. Okay.

22 MR. CATALINOTTO: Could we mark
23 this? It's four pages.

24 (Whereupon, a "Pre Service Course
25 Quality Bus Service, LLC," four pages,

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CAITLIN H. RAILO

was marked as Railo's Exhibit P for
Identification as of this date.)

(Document submitted.)

A. Yes.

Q. You recall taking that test?

A. Well, I mean, not really, but, yes.

I don't remember what day it was.

Q. But you recall taking it even
though you don't recall what day it was?

A. Yes.

Q. Can you flip to the first page of
Exhibit P? Is your name printed and also signed
on the Pre Service Course check-in list?

A. Yes.

Q. That's for Tuesday, November 6th,
2012?

A. Yes.

Q. Okay. And the course instructor is
Mary --

A. I can't say.

Q. -- Koselnak, K-O-S-E-L-N-A-K; is
that correct?

A. Yes.

Q. Do you remember Mary?

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CAITLIN H. RAILO

A. Vaguely.

Q. Underneath Page 1, is that a test?

A. Oh, yes.

Q. The page after that, are there
thirty-five questions?

A. Yes.

Q. And did you take that test?

A. To be honest with you, I don't
really remember taking this test.

Q. Does your name appear at the top of
the page?

A. Yes. I didn't even see that.

Q. Did you score a 100?

A. Yes.

Q. Thirty-five out of thirty-five?

A. (Indicating affirmative response.)

Q. You have to say yes.

A. Yes.

MR. CATALINOTTO: Please mark this.

(Whereupon, a "Pre Service Course
Trainee Manual" was marked as Railo's
Exhibit Q for Identification as of this
date.)

Q. I'm showing you what's been marked

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CAITLIN H. RAILO

Exhibit Q which is the School Bus Driver Pre Service Course Trainee Manual. This is a copy of it.

(Document submitted.)

Q. Do you recognize that as the manual that you received as part of your training at Quality Bus Company?

MR. LaROSE: Go to the table of contents, maybe that will help you.

A. I don't remember what it looked like.

Q. If you flip through that toward the back, you'll see some little yellow sticky things in the back. Do you recognize the handwriting in there as your notes? Are those your notes?

A. It says where it is, where the bus company is, yes.

Q. That's your handwriting --

A. Yes.

Q. -- in the manual? Okay.

Can you flip to Page 11? Do you remember reviewing this course book at one time?

A. I mean, like I said, I really don't

1 CAITLIN H. RAILO

2 remember what it looks like. My memory is
3 horrible. I really don't remember.

4 Q. That's fine. Do you also recognize
5 that page as containing your notes?

6 A. Yes. Those are people I work with.

7 MR. CIMINI: Was that Page 11?

8 MR. LaROSE: No.

9 Q. On the back there are blank pages,
10 several blank pages. Do you also recognize this
11 other page that you wrote on as your handwriting
12 that you took as part of your review of the
13 course materials?

14 A. That's not my handwriting, no.

15 Q. None of that is your handwriting?

16 A. I didn't look at the bottom yet,
17 but the top is not.

18 Q. What about the bottom part?

19 A. That's not my handwriting
20 (indicating).

21 MR. LaROSE: Indicating the top
22 half.

23 A. The top half is not mine.

24 Q. What about down here at the bottom
25 (indicating)?

1 CAITLIN H. RAILO

2 A. It looks like mine, but like I
3 said, I don't remember writing it, but I know
4 that's not my handwriting.

5 Q. But the other pages I showed you
6 did contain your handwriting?

7 A. It was just notes about where the
8 bus company was, where it was located.

9 Q. What about this page here? There
10 is another blank white page that contains a list
11 of 1 through 6. Is that your handwriting?

12 A. Yes.

13 Q. Okay. Now going to Page 11, on the
14 bottom it says Page 11.

15 A. Yes.

16 Q. And what does that state there next
17 to the highlighted mark?

18 A. "No matter how much you want to
19 drive a school bus, withholding information
20 about your medical history to pass the physical
21 exam is not worth it."

22 Q. Is that in the School Bus Driver
23 Pre Service Course materials?

24 A. Yes.

25 Q. On Page 13, that's 13 at the

1 CAITLIN H. RAILO

2 bottom, do you recognize Paragraph 1.3.4 that
3 addresses personal medications?

4 A. Yes.

5 Q. And it says not to drive if you
6 have those medications that affects your ability
7 to drive?

8 A. Yes. Well, any medication affects
9 your ability and they knew about my medication.

10 Q. So, do you agree that that's in the
11 course handbook?

12 A. Yes, absolutely.

13 MR. CATALINOTTO: Please mark this
14 as Railo R.

15 (Whereupon, the Quality Bus Company
16 Employee Handbook was marked as Railo's
17 Exhibit R for Identification as of this
18 date.)

19 Q. Ms. Railo, I'm showing you what's
20 been marked Exhibit R. It's the Quality Bus
21 Company Employee Handbook. Do you recognize
22 that?

23 (Handbook submitted.)

24 A. No.

25 Q. Do you recognize that as something

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that you had in your locker while you were
employed at the bus company?

A. Locker? I didn't have a locker.

Q. You didn't have it on the premises?

A. This (indicating)?

Q. Yeah.

A. I don't recognize it. I don't keep
stuff there. There is no lockers.

Q. Did you get an employee handbook?

A. I don't recognize this.

Q. Okay. Do you remember receiving
any type of book that you could keep from
Quality Bus Company in addition to the documents
I've already showed you?

A. I don't remember.

MR. CIMINI: Just so the record is
clear, I'm going to object to the last
question because I don't know that she
ever said that she received any of those
documents that you showed her. Your
question implied that she received all of
the documents that you showed her today
at the deposition, and I don't know that
she said she received or kept or had

1 CAITLIN H. RAILO

2 possession of any of them.

3 THE WITNESS: Like the performance
4 test, I remember taking it, but I didn't
5 get that paper.

6 MR. CATALINOTTO: I wasn't asking
7 her. I was connecting materials, the
8 course book.

9 MR. CIMINI: That's why I thought
10 the question was kind of vague.

11 MR. LaROSE: Go back and rephrase
12 it.

13 Q. Ms. Railo, the Exhibit R which is
14 the employee handbook, you don't have a
15 recollection of having that in your possession?

16 A. That, no.

17 Q. Okay. But you do recall the course
18 book that you identified having your handwriting
19 in that; correct?

20 A. Yes.

21 MR. CIMINI: Object, because she
22 said she recognized the handwriting. I
23 don't think she said that she kept the
24 book or had possession of the book or
25 remembers having that book. She just

1 CAITLIN H. RAILO

2 acknowledged her handwriting.

3 Q. You acknowledge your handwriting in
4 that Pre Service Course Book Training Manual;
5 correct?

6 A. Yes.

7 Q. Do you recall having that book,
8 keeping that book, reviewing that book?

9 A. I can't tell because it's copy
10 papers. I don't know what it looked like, so
11 it's not -- I can't tell by looking at that.

12 Q. All right. But, again, your notes
13 are contained within that manual; correct?

14 A. Well, there is some notes that are
15 not mine, but yes.

16 Q. But there were notes that were
17 yours?

18 A. Yes.

19 MR. CATALINOTTO: Mark this.

20 (Whereupon, a sign-in log for the
21 New York State Laws and Regs for School
22 Bus Drivers was marked as Railo's Exhibit
23 S for Identification as of this date.)

24 Q. I'm showing you what's been marked
25 Exhibit S, and it's a sign-in log for the New

1 CAITLIN H. RAILO

2 York State Laws and Regs for School Bus Drivers,
3 and it's attached to the book. On the last
4 page, does that contain your printed and signed
5 signature?

6 (Document submitted.)

7 A. Yes.

8 Q. And the Laws and Regs for School
9 Bus Drivers, do you recall receiving that book?

10 A. Yes.

11 Q. And did you review that book?

12 A. Yes.

13 Q. And flipping to the inside cover,
14 on the first page, does that contain your
15 handwriting?

16 A. Yes.

17 Q. In the back of that book, does that
18 also contain your handwriting --

19 A. Yes.

20 Q. -- with highlight in green?

21 A. Yes.

22 Q. I made a photocopy of this. I
23 believe this was in the other materials. This
24 is the front page of another employee handbook.

25 (Document submitted.)

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CAITLIN H. RAILO

Q. Do you recall receiving that?

A. I don't remember that, no.

Q. This one is entitled "Quality Bus Service Employee Handbook." It's an additional handbook?

A. No.

Q. No, okay.

MR. CIMINI: Did you mark that?

MR. CATALINOTTO: I didn't mark that. Maybe we'll mark that.

(Whereupon, a photocopy of the front page of the "Quality Bus Service Employee Handbook" was marked as Railo's Exhibit T for Identification as of this date.)

MR. CIMINI: Just so when we're looking at the record, we know that that last document was T that she didn't recognize.

MR. CATALINOTTO: Yeah.

MR. CIMINI: Just so we're on the same page.

Q. The page that I just handed you, it's the cover sheet which is now marked Exhibit

1 CAITLIN H. RAILO

2 T. It says "Quality Bus Service Employee
3 Handbook." Again, do you recognize that as a
4 handbook that you received?

5 A. No.

6 MR. CATALINOTTO: Mark this.

7 (Whereupon, a photocopy of a form
8 entitled "Article 19-A Oral/Written
9 Examination Results" was marked as
10 Railo's Exhibit U for Identification as
11 of this date.)

12 Q. Okay. Ms. Railo, as part of your
13 training at Quality Bus Company, do you recall
14 also doing some additional oral and written
15 examinations beyond the test that I showed you
16 before?

17 A. Like I said, there was a lot of
18 tests. I don't remember which one was which.

19 Q. Before you were able to drive a bus
20 route by yourself, did you have to be certified
21 by the State of New York?

22 A. Yes, as part of that CDL.

23 Q. As part of that process, did you
24 have to be fingerprinted?

25 A. I'm sure I did. I don't know if I

1 CAITLIN H. RAILO

2 had to or they already had them.

3 MR. CATALINOTTO: Mark this.

4 (Whereupon, a photocopy of form
5 entitled "Request for NYS Fingerprinting
6 Services Information Form" was marked as
7 Railo's Exhibit V for Identification as
8 of this date.)

9 Q. I'm showing you what's been marked
10 Exhibit V with today's date. It's the
11 fingerprint form for your employment with
12 Quality Bus.

13 (Document submitted.)

14 Q. Do you recognize that document?

15 A. Was this from DMV?

16 Q. Do you recognize that document?

17 A. This is a DMV form.

18 Q. Is your signature, your writing, on
19 that document?

20 A. Yes, only right here (indicating).

21 Q. You filled out the bottom part?

22 MR. LaROSE: From where it says
23 "Caucasian" on down?

24 THE WITNESS: No, not even there.

25 Q. What parts did you fill out on Page

1 CAITLIN H. RAILO

2 1 of Exhibit V?

3 MR. LaROSE: Read the words that
4 you filled in.

5 A. "Caucasian, white, brown, brown,
6 United States" and "New Jersey."

7 Q. Okay. And what does the top of
8 that document state?

9 A. "New York State Fingerprinting
10 Services."

11 Q. Do you recall going to an agency to
12 have your fingerprints done?

13 A. I don't remember. I don't remember
14 where I went.

15 Q. But you do recall going to get your
16 fingerprints done for certification?

17 A. No, I can't remember, unless it was
18 just the DMV.

19 Q. But your handwriting does appear on
20 some of the boxes on the first page of Exhibit V
21 which is the fingerprint form?

22 A. Yes.

23 Q. As part of your employment, did you
24 have to have a drug screening done?

25 A. Yes.

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CAITLIN H. RAILO

Q. And did you take that test?

A. Yes, took urine.

Q. Did you pass that test?

A. Yes.

Q. And that test showed no opiates, no
narcotics; is that correct?

A. Yes.

Q. When you applied for employment at
Quality Bus, did you ever tell them about any
past illicit drug use that you did?

A. No.

Q. Did you ever tell anyone at Quality
Bus that you had brain damage?

A. No. It's not really anybody's
business.

MR. CIMINI: I didn't get that.

THE WITNESS: I said it's not
really of anybody's business.

MR. CATALINOTTO: Before that she
said no, it's not anybody's business.

A. And drug use is not --

Q. And when you were hired for
employment at Quality Bus, you were taking
Valium?

CAITLIN H. RAILO

A. Yes.

Q. Diazepam?

A. Yes.

Q. Was that for anxiety?

A. Yes.

Q. Any other reason that you know of?

A. No.

Q. And I believe you also testified
you were taking Clonidine?

A. Yes.

Q. Was that for high blood pressure?

A. Yes.

Q. Did you ever tell anyone at Quality
Bus that you were taking Percocet?

A. No, because I wasn't taking them at
that time. I was on Suboxone.

Q. Did you ever tell anyone at Quality
Bus that you were taking Suboxone?

A. Yes. I told when I went for the
physical, when I got drug tested, I had to tell
the nurse what medications I was on.

Q. The nurse, you told her about
Suboxone?

A. Absolutely.

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CAITLIN H. RAILO

Q. We'll get to that document, but I'm talking about Quality Bus. Anyone at Quality Bus that you told about taking Suboxone?

A. No, because they got the paper from the nurse with all the medication.

Q. But then you never told anyone at Quality Bus that you were taking Suboxone?

A. No. They never asked.

Q. And you never told them?

A. No. I tell their nurse. I didn't have to tell them specifically.

Q. When you were taking Percocet, for what reason were you taking it?

A. Because I had a lump removed.

Q. And was that for pain relief?

A. Yes.

Q. And how often were you taking that?

A. I wasn't really taking it. Only every once in a while. I think twice I took it.

Q. Did you ever tell anyone at Quality Bus that you were taking Ambien?

A. No. Like I said, their nurse knew.

Q. But I mean Quality Bus Company.

A. No.

1 CAITLIN H. RAILO

2 Q. Did you ever tell them that you
3 were taking Ambien?

4 A. No. The Ambien I wasn't taking
5 when I was driving a bus.

6 Q. And you were aware while you were
7 employed with Quality Bus that you had to notify
8 them of any medications that would affect your
9 ability to drive; is that fair to say?

10 A. Yes, I did.

11 Q. You did?

12 A. Yes.

13 Q. What medications did you notify
14 Quality Bus that you were taking?

15 A. I told the nurse all of them that I
16 was on.

17 Q. I mean Quality Bus Company.

18 A. I just told you, I don't tell them.
19 If I tell their nurse, that's like telling them.

20 Q. We're going to get to the nurse.
21 Right now I'm talking about Quality Bus Company.

22 MR. LaROSE: Off the record.

23 (Discussion off the record.)

24 Q. As far as Quality Bus, did you ever
25 tell anyone at Quality Bus Company that you were

1 CAITLIN H. RAILO

2 taking any medications that affected your
3 ability to drive?

4 A. No.

5 Q. Now, before you started the
6 afternoon run on the date of the accident, did
7 you ever tell anyone at Quality Bus that you
8 weren't feeling well?

9 A. Yes.

10 Q. Who did you tell?

11 A. I told the lady in the office that
12 morning and I called before I came in.

13 Q. I'm going to get to that. Right
14 now I'm kind of moving ahead to the afternoon.

15 MR. CATALINOTTO: Let me strike
16 that.

17 Q. In between the morning and
18 afternoon runs, there is a break?

19 A. Yes, but you go home.

20 Q. How long is the break?

21 A. About four hours.

22 Q. All right. During that break,
23 where is the bus?

24 A. At the bus company.

25 Q. And do you turn in the keys?

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CAITLIN H. RAILO

A. Yes.

Q. And then you basically can do what you want to do during that time period?

A. Yes.

Q. When you returned back to the bus garage, you have to retrieve the keys?

A. Yes.

Q. Who do you retrieve the keys from?

A. The lady in the office.

Q. All right. Before you got into a bus and started your afternoon route, did you tell anyone at Quality Bus Company that you didn't feel well?

A. No. I had taken a nap during break.

Q. Okay. And did you tell anyone that you didn't want to drive the afternoon route?

A. I told two of the workers.

Q. Who did you tell?

A. The two that also do the PA run with me. I complained to them about it, having to work.

Q. They were bus drivers?

A. Yes.

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CAITLIN H. RAILO

Q. What are their names?

A. Now I can't remember. There was only three of us that did that route.

Q. So, there were two other drivers that also went to PA?

A. Yes.

Q. That's Pennsylvania?

A. Yes.

Q. What did you say to them, what did they say to you?

A. I told them that I told Quality in the morning and tried to call out and they wouldn't let me, that I was in pain, and they said, "Well, why are you working?"

Q. What did you say?

A. "I had to come in."

Q. But you don't remember their names?

A. No, I can't remember their names.

Q. Male or female?

A. One male, one female.

Q. Did you ever tell anyone in the position of authority before that -- after the break but before you started your route in the afternoon that you didn't feel well and didn't

1 CAITLIN H. RAILO

2 want to drive?

3 A. I was saying it all day. I don't
4 remember if I said it before I went on the
5 afternoon run, because I was just uncomfortable.
6 I was in pain, I was uncomfortable.

7 Q. But did you tell anyone in
8 authority there?

9 A. That morning, yes. Not in the
10 afternoon. I don't remember.

11 Q. Do you remember when you last
12 refilled or filled any prescription for Percocet
13 before the motor vehicle accident?

14 A. No, I don't remember the date.

15 Q. Do you remember how many pills you
16 were prescribed?

17 A. Thirty.

18 Q. And what was the prescription for,
19 how many could you take a day, for how long?

20 A. I don't know. A normal -- it's
21 usually one every four to six hours, but I
22 didn't recall -- I didn't take them. I had
23 almost the whole bottle when we got into the
24 accident.

25 Q. When did you last take a Percocet

1 CAITLIN H. RAILO

2 before the accident?

3 A. The night before, before I went to
4 sleep.

5 Q. What time was that?

6 A. I don't exactly remember. It was
7 8:00 or 9:00.

8 Q. 8:00 or 9:00 p.m.?

9 A. Yes.

10 Q. What time do you report to the bus
11 garage in the morning?

12 A. 6:00.

13 Q. Did you tell anyone when you
14 reported that you had taken Percocet?

15 A. I don't remember. Like I said, I
16 talked to them that morning.

17 Q. Did you tell anyone that you took
18 Percocet?

19 A. I don't remember.

20 Q. Did anyone ever give you
21 restrictions, that being a doctor or a nurse, in
22 terms of your ability to drive a bus while you
23 were employed by Quality Bus Company?

24 A. No. My doctor signed off on it.

25 Q. What doctor was that?

1 CAITLIN H. RAILO

2 A. Galli, Dr. Galli, the one that
3 prescribes me my medication.

4 Q. Who prescribed the Percocet?

5 A. Koehler, Crystal Run, Crystal Run
6 Health Care.

7 Q. Did anyone there restrict your
8 ability to drive a school bus or tell you not to
9 drive a school bus when they prescribed the
10 Percocet?

11 A. No.

12 Q. Before this motor vehicle accident
13 of February 14th, 2013, did you ever call in
14 sick to work at Quality Bus Company?

15 A. I don't remember. I think I did.

16 Q. And how did you do that? Did you
17 stop in? Did you call?

18 A. Called, I believe. I don't
19 remember.

20 Q. Do you remember how many times?

21 A. No.

22 Q. Was it more than one time?

23 A. I don't remember.

24 Q. Did you call yourself or did
25 someone call for you?

1 CAITLIN H. RAILO

2 A. I called.

3 Q. Do you know who you spoke to?

4 A. No.

5 Q. So, if I asked you was it more than
6 five or more than ten, you wouldn't be able to
7 give me an estimate as to how many times you may
8 have taken off for sickness prior to the day of
9 the accident?

10 A. I know it wasn't more than five or
11 ten.

12 Q. When you called in sick, do you
13 know where you were living at the time?

14 A. White Street. I was living there
15 the whole time.

16 Q. Were you living there throughout
17 your employment with Quality Bus Company?

18 A. Yes.

19 Q. When you called, would that have
20 been from a cell phone, a landline?

21 A. My cell phone.

22 Q. What's the cell phone number back
23 then?

24 A. I don't remember.

25 Q. Was it in your name?

1 CAITLIN H. RAILO

2 A. Yes.

3 Q. Do you know what cell service it
4 was; Verizon, Sprint?

5 A. No, Cell One. To tell you the
6 truth, I don't remember. I really don't
7 remember.

8 Q. When --

9 A. Oh, I had a phone in my husband's
10 name too. We both had on his phone from Cell
11 One.

12 Q. What was his name?

13 A. And then after that I had a
14 throwaway phone.

15 Q. What's your husband's name?

16 A. Eric Baisley.

17 Q. How do you spell the last name?

18 A. B-A-I-S-L-E-Y.

19 Q. So, you had a cell phone, you used
20 your husband's phone and you had a throwaway
21 phone?

22 A. No. My husband bought me a phone
23 under his contract. It was cheaper for two
24 phones, so I had one under his name.

25 Q. So, the phone --

1 CAITLIN H. RAILO

2 A. But then after he moved out, I had
3 a different phone. They have the phone number.
4 It should be on file.

5 Q. When you called in sick before on
6 the occasions, other than your attempt to call
7 in on the date of the accident, was it your
8 understanding that there was a backup driver
9 that did your route that day?

10 A. Yes.

11 Q. So, on all occasions where you
12 didn't go to work, someone drove your route; is
13 that correct?

14 A. Yes. I think the lady in the
15 office drove it the one time. That's why I got
16 in trouble. It wasn't Mary. It was the other
17 one, the one with the black hair. I don't
18 remember her name.

19 Q. Do you remember the last time you
20 called in sick before the date of the accident?

21 A. No.

22 Q. So, it was a lady in the office
23 that drove the route?

24 A. Yes.

25 Q. But it wasn't Mary?

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CAITLIN H. RAILO

A. No.

Q. Did Mary drive also?

A. Yes.

Q. So, Mary was a backup driver too;
correct?

A. Well, somebody had to be in the
office, so she usually -- but on emergencies she
had to stay in the office. One of them had to.

Q. How many individuals worked in the
office?

A. Two as far as I knew.

Q. Were you aware of other backup
drivers at Quality Bus?

A. No. I know they would take another
route in addition to their route. That's what I
had to do that day. That's what the other
drivers do.

Q. So, there are other people that
could take additional routes as you did?

A. I guess, but there was still other
drivers. They already had a route.

Q. So, you had ladies in the office
that could drive buses; correct?

A. One of them could go out on the

1 CAITLIN H. RAILO

2 run, because there had to be somebody in the
3 office, yes.

4 Q. But they both drove buses; correct?

5 A. Yes.

6 Q. And the drivers that drove routes
7 that could take additional routes; right?

8 A. Yes.

9 Q. And as part of your employment as a
10 bus driver with Quality Bus, you were aware that
11 if you had any medications that you were taking
12 that affected your ability to drive, you needed
13 clearance from a doctor; right?

14 A. Yes.

15 Q. Did you ever get clearance for
16 Percocet?

17 A. No, I didn't take it that day.

18 Q. But when you were prescribed
19 Percocet, did you ever get clearance for that
20 and hand that in, present it, furnish it to
21 Quality Bus?

22 A. No.

23 Q. Do you know how many times Mary
24 drove with you for training purposes before you
25 drove your first route by yourself?

1 CAITLIN H. RAILO

2 A. No.

3 Q. Would it be fair to say that over
4 the course of a month she drove with you on
5 numerous days each week?

6 A. Yes.

7 Q. At the time of the accident, can
8 you give an estimate as to the speed of the
9 vehicle that came into contact with the bus?

10 A. I can't do that.

11 Q. You've given some statements to the
12 police about the speed of the vehicle?

13 A. Yes.

14 Q. And in that statement I believe you
15 estimate to be 65 to 70?

16 A. He was going fast.

17 Q. Is that an accurate estimate?

18 A. No.

19 Q. Do you have an accurate estimate as
20 to the speed of that vehicle?

21 A. I just said I can't give that.

22 Q. But you gave an estimate to the
23 police?

24 A. That's not an estimate, that's what
25 I thought it was at that time.

1 CAITLIN H. RAILO

2 Q. And has anything changed that would
3 change that estimate?

4 A. I can't give that. I don't -- I
5 don't know what he was going.

6 Q. Do you know what the speed limit
7 was?

8 A. There was a 25-mile-an-hour turn.

9 Q. And then when you come out of the
10 turn, what's the speed limit?

11 A. That road should be 55, but there I
12 think it was 45.

13 Q. Was he traveling in your estimation
14 in excess of 45 miles per hour?

15 MR. FOULKE: Objection. She said
16 she can't say.

17 Q. Well, can you answer that question?

18 A. No, I can't.

19 MR. FOULKE: Objection.

20 MR. CATALINOTTO: You can object to
21 the form.

22 MR. FOULKE: That's what I'm doing.

23 MR. LaROSE: You can still answer.

24 Q. Can you give an estimate as to
25 whether the vehicle was traveling in excess of

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CAITLIN H. RAILO

45 miles per hour with the bus in that stretch?

MR. FOULKE: Objection.

MR. LaROSE: You can answer.

A. I told you I can't give an estimate. It was 25 miles per hour where he was.

Q. Was he traveling in excess of 25 miles per hour?

MR. FOULKE: Objection.

A. I can't answer that, but to me it looked, yes, but I can't say how fast.

Q. That's what I'm asking you.

A. Well, I can't give you an estimate.

MR. LaROSE: Why don't you ask her if it's her belief?

Q. What do you believe the speed of the vehicle was as it was approaching your vehicle right before impact?

MR. FOULKE: Object to the form. There is no foundation.

A. Like I said, I don't know what the speed was, but personally it didn't look 25.

Q. What did it look like?

MR. FOULKE: Objection.

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CAITLIN H. RAILO

A. I don't know. Just it was fast, but it was more than 25 miles an hour, I know that.

Q. Was the driver of the vehicle that came into contact with the bus wearing a seat belt?

A. I can't remember now. I think -- I don't believe he was, but I can't remember.

Q. Did you tell the police that he wasn't wearing a seat belt?

A. I think I did. That's why I'm saying I don't think he was.

Q. Would you agree that your memory in terms of recalling speed and whether he was wearing a seat belt was better right after the accident when you talked to the police than it is now?

A. Yes.

Q. Did you ever tell anyone at Quality Bus Company that you ever had seizures?

A. No.

Q. Did you ever tell the nurse that examined you as part of your Article 19-A certification that you ever had seizures?

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CAITLIN H. RAILO

A. No. Because before that, I only had one or two since I was eighteen.

Q. And that's my next question. When was your last seizure before this motor vehicle accident?

A. I don't even remember. Years prior to that.

Q. Age?

A. Twenty-five.

Q. And how old were you at the time of this accident?

A. Thirty-two -- thirty-one. I'm sorry.

Q. Thirty-one?

A. Yes.

Q. Did you ever tell the nurse who examined you as part of the Article 19-A certification that you had brain damage?

A. No, because the doctor said I didn't have to, it didn't affect motor skills or reaction skills.

Q. Again, did you tell her?

A. No.

Q. Do you know if your license to

CAITLIN H. RAILO

drive in the State of New York was ever revoked prior to your employment with Quality Bus Company?

A. Yes.

Q. It was revoked?

A. It was suspended, I know that.

Q. How long before you applied there was it suspended?

A. More than three years.

Q. Now, when we were here last time, Mr. Cimini asked you a lot of questions about police entries, calls to the police. You remember all that?

A. Yes.

Q. All right. And is it fair to say that what was documented according to you was not accurate in terms of those police calls?

A. Yes.

Q. And would you also agree that those police calls that were discussed with you were not evidence of any criminal convictions that you had as a result of those police calls?

A. That's correct.

Q. When were you up for parole?

1 CAITLIN H. RAILO

2 A. November.

3 Q. This year?

4 A. Yes.

5 Q. I just want to clarify. That
6 offense when you were driving while impaired,
7 was that in 2005?

8 A. I don't remember the year.

9 Q. Does that sound anywhere close to
10 when it may have been, about ten years ago?

11 A. Probably. I wasn't driving. I was
12 found inside a parked car.

13 Q. You know the distinction between
14 driving while impaired by drugs and driving
15 while impaired by alcohol in terms of the
16 charges that can be lodged against you?

17 A. Yes.

18 Q. Do you remember if you were
19 arrested for an alcohol offense or drug offense?

20 A. No, I never was arrested for
21 driving while intoxicated by alcohol, never.

22 Q. Do you remember if that conviction
23 was for a lesser offense reduced down to an
24 ability impaired that was not a criminal
25 offense?

1 CAITLIN H. RAILO

2 A. No.

3 Q. Do you remember how much your fine
4 was for that?

5 A. No.

6 Q. You didn't get jail time or
7 probation?

8 A. I was never on probation.

9 Q. Did you get jail time for that?

10 A. I think --

11 MR. LaROSE: Off the record.

12 (Discussion off the record.)

13 Q. Do you have a recollection of what
14 your sentence may have been?

15 A. No. I mean, I vaguely remember
16 that because the DWAI, like I said, I was found
17 in a car, but I think I did fifteen or thirty
18 days. Like I said, I don't remember.

19 Q. Were you represented by an
20 attorney?

21 A. Always.

22 Q. Do you remember if you had a
23 hearing about the operation of the vehicle, to
24 fight it?

25 A. About the operation of the vehicle?

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CAITLIN H. RAILO

Q. Was there an issue where they had a hearing and arguing that you weren't operating the car and the case should run out?

A. Because the car wasn't running, the keys were in the ignition, but the car wasn't running.

Q. Did you have a hearing?

A. I think so. I don't remember.

Q. Do you remember as part of that if they reduced the charge down to a non-criminal offense?

A. I don't know. I think it was still a DWAI. I'm not sure.

Q. You told us last time that you were employed as a phlebotomist?

A. Yes.

Q. Did you receive training as part of that position?

A. Yes.

Q. Did you actually take blood from patients?

A. I worked with before I started there?

Q. Yeah, for the company where you

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CAITLIN H. RAILO

were a phlebotomist before you worked for
Quality Bus Company.

A. Riverside?

Q. Yeah.

A. Yes.

Q. What did you do there?

A. I got hired as a phlebotomist, but
then they stopped with the laboratory, something
with the money, and then I ended up working in
the office. I was the administrative assistant.

Q. But did you actually --

A. Take blood?

Q. Yeah.

A. Yes.

Q. And did do you that from patients
of all ages?

A. Yes.

Q. Little children?

A. I didn't do children.

Q. What age group?

A. Mostly adults.

Q. Okay. How long did you work doing
that?

A. I don't remember.

1 CAITLIN H. RAILO

2 MR. LaROSE: Break it down. Worked
3 there or doing that?

4 MR. CATALINOTTO: Let me break it
5 down.

6 Q. As a phlebotomist, how long did you
7 do that?

8 A. At Riverside?

9 Q. Yeah, where you actually took blood
10 from patients.

11 A. The first couple months.

12 Q. And then after that you did office
13 work?

14 A. Yes, everything.

15 Q. As part of that, as part of your
16 employment there, you had various training and
17 took tests before you were able to draw blood
18 from a patient?

19 A. No. I already had that.

20 Q. Where did you get that training?

21 A. MCI in Poughkeepsie, and then I
22 worked at Benedictine Hospital.

23 Q. As part of those jobs, did you get
24 training for drawing blood?

25 A. Yes.

1 CAITLIN H. RAILO

2 Q. Did you take tests?

3 A. Yes.

4 Q. Now, obviously you had to pass
5 those tests before you could draw blood from a
6 patient?

7 A. Yes.

8 Q. Do you remember the type of
9 training you received?

10 A. What do you mean, "the type"? I
11 went to --

12 Q. Did you go to seminars? Did you
13 have to read books?

14 A. I went to school for it.

15 Q. How long did you go to school for
16 that?

17 A. Almost a year. It was a faster
18 pace class, so it was condensed into a shorter
19 time.

20 Q. Was it just one long class or
21 several different types of topics, you know,
22 separate classes?

23 A. I don't understand what you're
24 saying. I mean, it was one class I went to in
25 school.

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CAITLIN H. RAILO

Q. Did you have a book?

A. Yes.

Q. Was there a book? Did you read the
book?

A. Yes.

Q. You understood everything?

A. Yes.

Q. And you passed? Was it a written
test?

A. Yes. After months of class, yeah.

Q. And you also worked at Benedictine
Hospital?

A. Yes.

Q. Did you receive training there?

A. That was training, yes, hands-on
training.

Q. Did you need any type of assistance
to help you take those tests or read the book?

A. Yes.

Q. Who assisted you?

A. The teacher and another worker.

Q. What did they do to help you?

A. Showed me how to do it. We had to
work on dummies.

1 CAITLIN H. RAILO

2 Q. I mean in terms of taking the
3 written test, did you have to have assistance or
4 did you do it on your own?

5 A. Yes.

6 Q. What type of assistance?

7 A. Well, we had to take tests over and
8 over again and I would have to write things down
9 over and over again, but it was months of class
10 every day.

11 Q. And you successfully completed all
12 those --

13 A. Yes.

14 Q. -- programs?

15 The license I showed you before,
16 was that the first CDL license you ever had?

17 A. Yes.

18 Q. How long ago was the last time you
19 had any type of drug or alcohol rehabilitation?

20 MR. LaROSE: Prior to the accident
21 are you asking?

22 MR. CATALINOTTO: Let me strike
23 that.

24 Q. Before the accident, when was the
25 last time you had any type of drug or alcohol

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CAITLIN H. RAILO

rehabilitation?

A. I don't know. Six, seven years.

Q. Six, seven years before?

A. Yes.

Q. Now, you were arrested as a result of this accident that we're here about today; right?

A. Yes.

Q. The charges came from an indictment; is that your understanding? Do you know what that means?

A. No.

Q. Do you know if your case went to Orange County Grand Jury?

A. No, I don't.

Q. Do you know what you pled guilty to?

A. Yes. I have child endangerment charge.

Q. Did you plead guilty to Aggravated DWI with a child?

A. DWI? Actually, no.

Q. Do you know what you pled guilty to?

1 CAITLIN H. RAILO

2 A. I don't really know the exact
3 charge. It just says assault and child
4 endangerment.

5 Q. You don't remember?

6 A. I didn't think it was DWI because
7 it doesn't say that on my papers.

8 Q. What does it say in your papers, do
9 you know?

10 A. It's just -- it's condensed into
11 two charges. It says child endangerment and
12 then they call it assault. Because it's a
13 vehicle, it's vehicular assault, I think. I
14 don't know, but it says assault because it was a
15 vehicle.

16 Q. You were represented by an
17 attorney?

18 MR. LaROSE: Public Defender;
19 right?

20 THE WITNESS: Yeah.

21 Q. When you went to County Court, you
22 have a recollection of who the judge was?

23 A. I don't remember the judge's name.
24 It's in Goshen. I don't remember his name.

25 Q. When you entered that plea, do you

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CAITLIN H. RAILO

know what an allocution is?

A. No.

Q. Did the judge ask you, do you understand you're waiving your right to a trial?

A. Yes.

Q. And you're entering this plea of guilty --

A. Um-hum.

Q. -- waiving your right to a jury trial? You're satisfied with the representation; right? Do you remember questions like that?

A. Yes.

Q. Did the judge ask you to state on the record what it is you were guilty of?

A. No.

Q. They didn't ask you to state, you know, anything about what drugs you were on that day or whether you were impaired when you were driving?

A. In court, no.

Q. Were there any hearings in that case, any type of hearings where you testified?

A. Where I testified?

1 CAITLIN H. RAILO

2 Q. Yeah.

3 A. No.

4 Q. Okay. When you gave the statements
5 to the police about the accident, where did you
6 do that? Were you at the police station?

7 A. Yes.

8 MR. LaROSE: Off the record.

9 (Discussion off the record.)

10 Q. Ms. Railo, do you remember giving
11 more than one statement to the police about this
12 accident?

13 A. Yes.

14 Q. You gave one the date of the
15 accident that was handwritten. You talked about
16 that last time?

17 A. Yes.

18 Q. And then we also talked about,
19 again these are in Exhibit J, there is also a
20 typed one that's in front of you that was part
21 of Exhibit J?

22 (Document submitted.)

23 A. Yes.

24 Q. That one, if you look at the top,
25 was taken in April 2013; is that correct?

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CAITLIN H. RAILO

A. Yes.

Q. And that's approximately two months after the accident?

A. Yes.

Q. Were you represented by counsel at that time?

A. No.

Q. When did you first get assigned counsel?

A. Court.

Q. When were you charged, do you remember, for any criminal charges as a result of this accident?

A. I don't remember when. It was this day apparently.

Q. So that when you went in that day, was that the day you went to the police station you were being charged?

A. Yes.

Q. And in that statement for the first time you're talking about calling in so you didn't have to try to not work that day?

MR. LaROSE: I would have to object. You have to let her look at both

1 CAITLIN H. RAILO

2 statements.

3 MR. CATALINOTTO: That's fine.

4 Q. If you could take a look at them
5 and tell me if it's in the April statement that
6 you mention for the first time --

7 MR. LaROSE: He wants to know if
8 it's in here or just in here
9 (indicating).

10 Q. -- about calling.

11 A. This one (indicating), I don't
12 recall. This was right after the accident.

13 MR. LaROSE: Right.

14 A. They did this at the hospital while
15 I was laying in the hospital bed.

16 Q. Okay. But I'm just asking you
17 if --

18 MR. LaROSE: He just wants to know
19 if it's in here or just in here. That's
20 all you have to tell him. Mention
21 anything about trying to call.

22 A. No. This was only the accident
23 report.

24 Q. Okay. So, the handwritten
25 statement to the police the day of the accident,

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CAITLIN H. RAILO

there is no mention of calling in to try not to work on the day of the accident; is that correct?

A. Yes, that is correct.

Q. Okay. And in the typed statement which was the day you were getting arrested, that's the first time that you are reporting to the police that you tried to call in and you didn't want to work that day; is that correct?

A. Yes. They didn't ask me, and then this one (indicating) --

Q. Before you were sentenced on the charges stemming from this accident, were you re-arrested?

A. No.

Q. Let me backtrack for a minute. When you were arraigned on the charges, were you out on bail?

A. From this charge.

Q. Okay. While you were out on bail but before you were sentenced, did you get arrested for a drug possession?

A. No.

Q. Did anything happen in between your

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CAITLIN H. RAILO

plea of guilty and your sentence where you had
police contact?

A. Yeah. They came to the house,
brought me to the hospital.

Q. For what?

A. Overdose.

Q. And did they charge you for
possession of a controlled substance?

A. No.

Q. Did anything happen that affected
the sentence that you were to get?

A. No.

Q. Now, last time we went over -- Mr.
Cimini went over with you Exhibit F.

MR. CATALINOTTO: You have that
with you, Keith?

MR. LaROSE: It's marked there.

(Document submitted.)

Q. Do you have Exhibit F in front of
you?

A. Yes.

Q. What is Exhibit F?

A. Medical exam.

Q. And is that the exam where you went

1 CAITLIN H. RAILO

2 to see a nurse for purposes of certification for
3 your employment at the bus company?

4 A. And drug test, yes.

5 Q. Now, the first box is "Driver's
6 Information" at the top, and it says, "Driver,
7 complete this section"; is that correct?

8 A. Yes.

9 Q. Did you complete that section?

10 A. Yes.

11 Q. And you wrote down your name,
12 Social Security number?

13 A. (Indicating affirmative response.)

14 Q. You have to say yes or no.

15 A. Yes.

16 Q. On the first two top lines, did you
17 write down all that information?

18 A. Yes.

19 Q. Below that, Number 2, it says
20 "Health History." You see that?

21 A. Yes.

22 Q. And then it says, "Driver, complete
23 this section, but medical examiner is encouraged
24 to discuss with driver." Do you see that?

25 A. Yes.

1 CAITLIN H. RAILO

2 Q. The second box down under the yes
3 and no category where it says "head/brain
4 injuries, disorders or illness," you checked off
5 "No"; correct?

6 A. Yes, and I kind of --

7 Q. Below that it says "Seizures"?

8 A. Yes.

9 Q. And you checked "No"; correct?

10 A. Yes.

11 Q. The middle category for the yes and
12 no questions at the very bottom, it says
13 "Nervous or psychiatric disorders," and you
14 checked "No"; correct?

15 A. Yes.

16 Q. And then the third box -- I mean
17 the third column category --

18 MR. LaROSE: Okay.

19 Q. -- under yes or no, the third one
20 down, "Sleep disorders," you checked "No";
21 correct?

22 A. Yes.

23 Q. All the way down to the bottom of
24 that category, "Narcotics or habit-forming drug
25 use," you checked off "No"; correct?

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CAITLIN H. RAILO

A. Yes.

Q. Below that, the second sentence says, "List all medications including over-the-counter medications used regularly or recently," and tell me what you wrote there.

MR. LaROSE: This is your handwriting?

THE WITNESS: Yes.

MR. LaROSE: Go ahead, read it.

A. "2012, hysterectomy."

Q. It says "May 2012"; correct?

A. Yes.

Q. Go ahead.

A. "Due to cervical cancer, Dr. Koehler. Currently on Clonidine for menopause, hot flashes, and Valium." That's all I wrote.

Q. That's all your handwriting?

A. Yes.

Q. Below that, where it says "Doctor," it looks like, Rhenler, R-H-E-N-L-E-R?

A. Yes. I didn't write that. That was the doctor that prescribed me the other medication and she wrote "No current limitations."

1 CAITLIN H. RAILO

2 Q. What's the other medication?

3 A. There is other medications that I
4 think -- that's the doctor that also prescribed
5 me the pain medication.

6 Q. It says "No current limitations"?

7 A. Yes. That was the doctor I was
8 seeing.

9 Q. Now, you never listed Suboxone on
10 Exhibit F; is that correct?

11 A. She wrote these. I told her and
12 she said she only wanted the medications that
13 would cause me to be drowsy.

14 Q. We'll get to that. Did you write
15 Suboxone anywhere on Exhibit F?

16 A. No.

17 Q. You knew at the time what Suboxone
18 was for; right?

19 A. Yes.

20 Q. And when you testified last time,
21 you said everyone knows what Suboxone is for;
22 right?

23 A. The nurses, yes.

24 Q. And you knew if you told anyone
25 about Suboxone, it would be relative to some

1 CAITLIN H. RAILO

2 type of narcotic use; correct?

3 A. Yeah. I told the nurse.

4 Q. But you didn't write it down;
5 correct?

6 A. No.

7 Q. Have you reviewed what the nurse
8 wrote down?

9 A. Yes.

10 Q. What is Suboxone for?

11 A. It's for prior opiate use, and I
12 was also using it for pain.

13 Q. Do you see the nurse's writing?

14 A. Yes.

15 Q. Are you able to read that?

16 A. Yes.

17 Q. Okay. Do you see anywhere where
18 the nurse wrote down Suboxone?

19 A. That's not my fault.

20 Q. But you didn't write it either;
21 correct?

22 A. No.

23 Q. And it's your testimony that you
24 told the nurse --

25 A. Yes.

1 CAITLIN H. RAILO

2 Q. -- that you were on Suboxone?

3 A. Absolutely.

4 Q. She told you to do that?

5 A. That she was only writing down the
6 medicine that made me tired because it's driving
7 and it doesn't affect my driving.

8 Q. But you didn't write it down
9 either; correct?

10 A. No.

11 Q. And the only way she would have
12 known is if you told her; correct?

13 A. Yes.

14 Q. Did you tell the nurse that you
15 were on Ambien?

16 A. Yes. I don't take it, though. I
17 was prescribed it, but I wasn't taking it.

18 Q. But you didn't write it down;
19 correct?

20 A. No. I don't take it.

21 Q. Were you taking Ambien?

22 A. No. I can't take Ambien and get up
23 at 4:00 in the morning.

24 Q. Did you, underneath your signature
25 and the date, did you write anything else on

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CAITLIN H. RAILO

Exhibit F?

A. No.

Q. And it looks like the date is
October 16th, 2012?

A. Yes.

Q. And you signed that; correct?

A. Yes.

Q. And by signing that, above your
signature, it says, "I certify that the above
information is complete and true."

A. Yes.

Q. And it says, "I understand that
inaccurate, false or missing information may
invalidate the examination and medical examiner
certificate."

A. Yes, but she knew, that's why I had
to check off an illness or injury less -- more
than five years.

Q. She knew what?

A. She told me to check off an illness
or injury less than five years -- more than five
years. It's the first one is checked off.

Q. That's one category. But would you
agree that underneath that are many different

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CAITLIN H. RAILO

questions where you check off yes or no?

A. Yes.

Q. You knew as part of that examination you had to pass that in order to get certified to drive a bus; correct?

A. Yes. The only thing I would have to put yes on --

Q. My question is, you knew that you had to pass this examination in order to drive a bus to get that employment; correct?

MR. LaROSE: Just answer his question.

A. Yes.

Q. Okay. I'm showing you what's been marked --

MR. LaROSE: Off the record.

(Discussion off the record.)

Q. I'm showing you what's been marked Exhibit G.

(Document submitted.)

Q. You saw that last time?

A. Yes.

Q. Did you fill out any portion of Exhibit G?

1 CAITLIN H. RAILO

2 A. No.

3 Q. Did you sign it?

4 A. Yes.

5 Q. Did you indicate any accident on
6 that document?

7 A. I don't remember this.

8 Q. Is that your signature on there?

9 A. This is the one that they did in
10 the office.

11 Q. Does your signature appear on
12 Exhibit G?

13 A. Yes.

14 Q. Okay. Can I have that back,
15 please?

16 (Document submitted.)

17 A. I didn't put --

18 Q. On this document, did you list any
19 criminal convictions?

20 A. I never -- I don't remember this
21 document.

22 Q. I'm just saying, did you fill
23 out --

24 A. This was theirs. This is a typed
25 one.

1 CAITLIN H. RAILO

2 MR. LaROSE: Okay. That's what he
3 wants to know. Did you?

4 THE WITNESS: No.

5 Q. When you signed this, you signed a
6 document that lists no accidents and no
7 convictions of any sort; correct?

8 A. Yes, but I don't know why I would.

9 Q. But that's your signature on there;
10 correct?

11 A. Yes.

12 Q. Now I'm going to show you Exhibit
13 H.

14 (Document submitted.)

15 Q. I believe you saw this last time
16 also?

17 A. Yeah. I don't know what this is
18 either.

19 Q. Does your signature appear on that?

20 A. Yes. See, I don't like this,
21 though, because I filled this out on the
22 application. I don't like that they didn't put
23 it on there. That's not my fault.

24 Q. When you signed that, was there any
25 accident information on that document?

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CAITLIN H. RAILO

A. No.

Q. And when you signed that, did you list any convictions other than a failure to disobey traffic --

A. That's not my handwriting.

Q. I'm saying, when you signed that, was there anything listed other than the failure to obey a traffic device?

A. No.

Q. That's for convictions; correct? That's under the heading for convictions?

A. Yes.

Q. And by signing that, you certify that the information above is true and accurate, is true and complete?

A. Yes.

Q. You see that?

Do you remember the name of the lady that was in the office right before you did the afternoon run? Do you remember her name?

A. No.

Q. The medications that you were on such as Diazepam, does Diazepam affect your ability to drive?

1 CAITLIN H. RAILO

2 A. No.

3 Q. Does Clonidine affect your ability
4 to drive?

5 A. No.

6 Q. Do you feel that you had any
7 medications in your system at the time of the
8 accident that affected your ability to drive?

9 A. No.

10 Q. Do you remember answering questions
11 last time --

12 A. I'm sorry. Go ahead.

13 Q. -- about that typed statement that
14 we went over?

15 MR. LaROSE: Exhibit J; right?

16 MR. CATALINOTTO: Exhibit J.

17 Q. In that statement they asked you,
18 "Do you regret driving the school bus that day,
19 and you said "Yes." And I believe you testified
20 last time that you regretted that the accident
21 happened, but you were able to drive that day?

22 A. I regret that whole day.

23 Q. I want to make sure I clarified it.

24 When you testified last time, you
25 said you regret that the accident happened, but

1 CAITLIN H. RAILO

2 when you said I regret it, it didn't mean that
3 you weren't able to drive that day; is that a
4 fair categorization?

5 MR. CIMINI: Objection.

6 MR. CATALINOTTO: You can answer.

7 MR. LaROSE: Do you understand what
8 he is asking?

9 THE WITNESS: No.

10 MR. LaROSE: He wants to know what
11 you meant when you said in this statement
12 that you regret driving the bus. He
13 wants to know if -- so, say your question
14 again?

15 MR. CATALINOTTO: Yeah.

16 Q. Last time when you testified --
17 well, explain to me what you meant.

18 A. I regret the accident, but...

19 Q. Correct.

20 A. I also regret that whole day, I
21 mean, honestly.

22 Q. Of course.

23 A. They should have let me call out.
24 I'm sorry.

25 Q. Do you feel you were able to drive

1 CAITLIN H. RAILO

2 a bus that day?

3 A. Mentally, yes, yes. I was
4 uncomfortable.

5 Q. Were you able to drive a bus that
6 day?

7 A. Yes.

8 Q. When you called in the date of the
9 accident, what time was it?

10 A. About 5:30.

11 Q. In the morning?

12 A. (Indicating affirmative response.)

13 Q. You have to say yes or no.

14 A. Yes.

15 Q. What phone did you call from?

16 A. My cell phone.

17 Q. What was the cell number?

18 A. I don't remember.

19 Q. And do you know what the provider
20 was at that time?

21 A. No.

22 Q. And were you at home when you
23 called?

24 A. Yes.

25 Q. Whose name was on that cell phone